

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BERTRAND GIRARD,)	
)	
Plaintiff)	
)	
v.)	No. 2:16-cv-00165-LEW
)	
STEPHEN DODD, <i>et al.</i> ,)	
)	
Defendants)	

ORDER DENYING CONSENT MOTION TO DISMISS

Bertrand Girard alleges Biddeford Police Officer Stephen Dodd sexually assaulted him, including during a five-year period when Girard was a minor. Plaintiff also alleges that Roger Beaupre, then the Chief of Police of the Biddeford Police Department, knew or should have known of Officer Dodd's misconduct and failed to take action to prevent the abuse. Plaintiff filed this civil action against Mr. Dodd, Mr. Beaupre, and the City of Biddeford.

Now before the Court is the Consent Motion to Dismiss All Claims Against Defendants Roger Beaupre and the City of Biddeford. (ECF No. 138.) According to the City and Mr. Beaupre, Plaintiff's counsel Anthony Sineni, III, Esq., requested the motion and consents to the entry of dismissal with prejudice. Movants state that pro se defendant Stephen Dodd has informed movants' counsel, Timothy Bryant, Esq., that he does not oppose the motion. Neither Mr. Girard nor Mr. Dodd has signed the motion. The motion also lacks a certificate of service.

The deadline for opposition to the motion has expired without any party opposing the motion. Ordinarily, I would treat the failure to oppose the motion as waiver of objection. *See* D. Me. Loc. R. 7(b). Here, however, the motion was not signed by Mr. Girard or Mr. Dodd, and movants did not include a certificate of service. Consequently, the Court cannot be sure the movants provided Mr. Girard or Mr. Dodd with notice of the motion. The motion is therefore denied without prejudice. Defendants Beaupre and City of Biddeford should either file a motion that is joined (i.e., signed) by Mr. Girard and Mr. Dodd¹, or they should file another motion that includes a certificate of service.

SO ORDERED.

Dated this 29th day of April, 2019.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE

¹ As a pro se litigant, the Court cannot assume that Mr. Dodd received notice of the motion electronically.